

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

SHARON MCNEILL

CASE NO. 1:22-CV-04063

VERSUS

DONALD E. WALTER

AMERICAN SUMMIT INSURANCE CO

MAGISTRATE JUDGE KAY

JUDGMENT

Before the court is a Report and Recommendation of the Magistrate Judge, recommending that plaintiff's voluntary motion to dismiss [doc. 26] be granted and recommending a sanction of \$250 against respondent Cameron Sean Snowden for his violations of Federal Rule of Civil Procedure 11(b) based on his representation of plaintiff. Doc. 27. These violations occurred while respondent was employed as an attorney with the firm McClenny, Moseley & Associates, PLLC ("MMA"). Based on a de novo review of the record, the court agrees that the sanction should be imposed. Rule 11(c) provides, however, that "[a]bsent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee." Fed. R. Civ. P. 11(c)(1). The court must therefore determine whether the firm should be held jointly liable with Mr. Snowden.

After respondent advised the court that he was no longer associated with the MMA firm, the court issued an order transferring to MMA and its principal Zach Moseley the responsibility to produce certain file materials relevant to the show cause hearing held

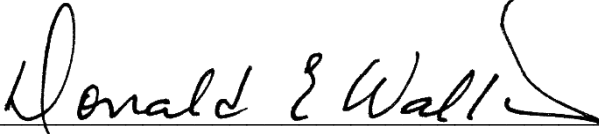
before the Magistrate Judge on May 12, 2023. MMA therefore had actual notice of the hearing, an opportunity to respond, and in fact provided responsive documents ahead of the hearing. There is no basis in the record to suggest exceptional circumstances that would relieve the firm of joint responsibility for respondent's actions. To the contrary, the file materials submitted by MMA indicate a systemic lack of attention to verifying that "the factual contentions have evidentiary support or, [. . .] will likely have evidentiary support," as required by Rule 11(b)(3). Considering these factors, the court finds that MMA must be held jointly liable for the violation committed by its former employee. Accordingly,

IT IS ORDERED, ADJUDGED, and DECREED that the Report and Recommendation be **ADOPTED**, subject to the modification described above. Cameron Sean Snowden and McClenny Moseley & Associates, PLLC are thus jointly sanctioned in the amount of \$250, to be deposited with the registry of the court. Payment must be completed by December 1, 2023.

IT FURTHER ORDERED, ADJUDGED, and DECREED that Sharon McNeill's voluntary Motion to Dismiss Without Prejudice [doc. 26] be **GRANTED** and that this matter be **DISMISSED WITHOUT PREJUDICE**.

The clerk is directed to mail a copy of this judgment to plaintiff at the address provided by MMA and on file with the court.

THUS DONE AND SIGNED in Chambers on this 24th day of July, 2023.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE